

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JUDITH A. LOVELL and  
ROBERT LOVELL,

Plaintiffs,

v.

**ORDER**  
12-CV-546-A

GEICO GENERAL INSURANCE  
COMPANY, and GEICO INDEMNITY  
COMPANY,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). On March 29, 2013, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the motion of defendants Geico General Insurance Company and Geico Indemnity Company to dismiss, Dkt. No. 6, be granted with prejudice as to plaintiffs' third through sixth causes of action, but denied as to plaintiffs' seventh cause of action.

The Court has carefully reviewed the Report and Recommendation, the objections of plaintiffs and response of defendants, and relevant pleadings. The Court finds oral argument is unnecessary and, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), the Report and Recommendation is adopted in part, and defendant's motion to dismiss is granted without prejudice as to plaintiffs' third through sixth causes of action, and denied as

to plaintiffs' seventh cause of action with the specific admonitions of the Magistrate Judge as to that cause of action, but without adopting all of the reasoning for that result.

The case is referred back to Magistrate Judge McCarthy for further proceedings pursuant to the referral in Text Order 8.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

Dated: March 10, 2014